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Suzanne Loomis
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Assistant General Counsel

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RECEIVED & INSPECTED

JUN 13 2003

FCC - MAILROOM

June 11, 2003

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W. Room TW-A325
Washington, DC 20054

Re: Ex Parte Communication in the matter of Notice of Proposed Rulemaking
regarding Rules and Regulations Implementing the Telephone Consumer Protection Act
of 1991, CG Docket No. 02-278.

Dear Madam Secretary,

As a representative of Primerica Financial Services, a member of Citigroup, I would
like to affirm that the following items were discussed and recommendations made by
Primerica at the June 10, 2003 meeting we had with Bryan Tramont, Senior Legal
Advisor for Commissioner Powell and Margaret Egler, Deputy Bureau Chief, FCC, in
reference to the above-captioned matter:

- Primerica urges the Commission to fairly balance the privacy concerns of
consumers with the right of individuals to provide products and services to their
families, friends and communities by protecting local referral calls and calls to
personal acquaintances.
- Primerica urges the FCC to preserve the effect of the FTC rule which benefits
Primerica type companies.
- Primerica urges the FCC to consider its more expansive jurisdiction when
enacting its rule to avoid a result that is substantively inconsistent with that of the
FTC and adverse to Primerica because it will impact calls exempt from the FTC
rule.

Additionally, the enclosed three-page letter and attachments was left with Margaret
Egler, Deputy Bureau Chief, FCC. Identical copies were also left with Jessica
Rosenworcel, Legal Advisor for Commissioner Copps, Lisa Zaina, Senior Legal Advisor
for Commissioner Adelstein, Daniel Gonzalez, Legal Advisor for Commissioner Martin,
Matthew Brill, Legal Advisor for Commissioner Abernathy and Bryan Tramont, Senior
Legal Advisor for Commissioner Powell. Copies of the front page of each identical letter
are also enclosed.

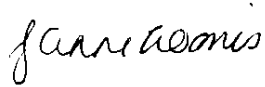
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A member of citigroup

This is an Ex Parte Communication filed pursuant to Section 1.1206 of the Commission's rules. One copy of this memorandum is attached.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne Loomis".

Suzanne Loomis
Vice President, Assistant General Counsel

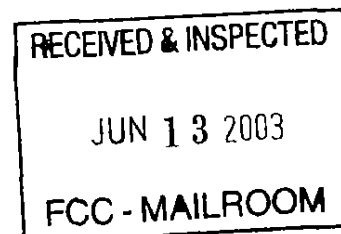


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June 10, 2003

Ms. Margaret M. Egler
Deputy Bureau Chief
Consumer & Consumer Affairs Bureau
Federal Communications Commission
445 12th Street SW
Room 5-C754
Washington D.C. 20554



Re: CG Docket 02-278
Rules Implementing the Telephone Consumer Protection Act of 1991

Dear Ms. Egler:

In our Comment of May 16, 2003, Primerica Financial Services outlined its business model and the adverse effect on that model that would result from verbatim adoption by the FCC of the FTC Telemarketing Rule. Unlike telemarketers, Primerica's local representatives use the telephone merely to engage in networking activity, usually working from their homes on a part-time basis. They do not complete any sale over the phone, do not use auto dialers and do not engage in mass cold calling. Rather, Primerica representatives manually telephone individual prospective clients to schedule appointments for a face-to-face meeting in the person's home. These calls almost always are made either to persons the Primerica representative already knows or to whom the representative is referred.

Primerica is not impacted by the FTC rule because it is a financial services company and most of its telephoning activity takes place intrastate. We urge the FCC to consider the substantive effects of the broader scope of its jurisdiction and to harmonize the impact or reach of its rule with that of the FTC, rather than simply adopting similar wording.

Most of the 33 states with No Call lists have included exceptions that offer some measure of protection to businesses like Primerica. These exceptions include personal relationship, referral, face-to-face, licensed insurance agents and licensed securities agents. Importantly, 13 of the 33 states have included variations of a face-to-face exemption. Of particular interest is the fact that at least two of these states passed laws with face-to-face exemptions *after* the FTC rule was announced. Primerica is providing copies of these state laws.

Primerica writes to offer four brief alternatives, consistent with its Comment letter, that will address Primerica's business concerns and assure treatment consistent with the FTC rules as well.

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Suggested Language Providing Exemption for Primerica Model Businesses

1 Exemption based exclusively on geographic limitation.

“Shall not included calls placed within a 100 mile radius”

OR

“Shall not include intrastate calls”

- ✓ Most consonant with FTC jurisdiction

2 Exemption based exclusively on nature of the relationship.

“Shall not include calls based on a personal relationship or referral to set a subsequent face to face meeting”

- ✓ Protects “mom and pop” businesses
- ✓ Restricts traditional telemarketers

3. Exemption based exclusively on the fact that no sale will be consummated on the telephone.

“But shall not include calls in which the sale of goods or services is not completed and payment or authorization of payment is not required until after a face to face sales presentation by the telephone solicitor or a meeting between the telephone solicitor and the customer.”

- ✓ 13 states have approved variations

4. Combination of exemptions based on geography and no sale consummated over the telephone.

A combination of the above exemptions may further reduce the opportunity for traditional telemarketers to take advantage of the exemption. For example, a combination of the geographic limitation with the face-to-face restriction could read as follows:

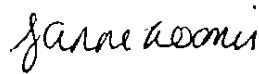
“But shall not include calls within a 100 mile radius (or intrastate calls) in which the sale of goods or services is not completed and payment or authorization of payment is not required until after a face-to-face sales presentation by the telephone solicitor or a meeting between the telephone solicitor and the customer.”

Each piece of suggested language could be added either to the definition of "telephone solicitor" or "telephone solicitation," to the footnotes for these definitions, or as a separate basis of exemption.

Although each of these alternatives provides some measure of protection for Primerica type businesses, Primerica believes that some variation of the geographic limitation, perhaps in combination with a face-to face exemption, will most appropriately reflect the concerns addressed by the FTC's rule while protecting small, local businesses that were not the intended evil contemplated by Congress or the FTC. Traditional telemarketers will not be impacted by the narrow scope of an exemption that combines a local 100-mile radius restriction with the face-to-face requirement. In addition, such a sufficiently narrow exemption would be consonant with, and preserve the effect of, the FTC's jurisdictional limits.

Thank you for your consideration of our concerns. If you have any questions or comments, please do not hesitate to give me a call at (770) 564-6387.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Suzanne Loomis".

Suzanne Loomis

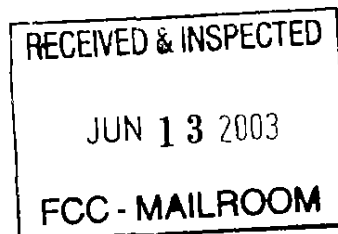
Enclosures



Suzanne Loomis
Vice President
Assistant General Counsel

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June 10, 2003



Ms. Lisa M. Zaina
Senior Legal Advisor
Office of Commissioner Adelstein
Federal Communications Commission
445 12th Street SW
Room 8-C302
Washington D.C. 20554

Re: CG Docket 02-278
Rules Implementing the Telephone Consumer Protection Act of 1991

Dear Ms. Zaina:

In our Comment of May 16, 2003, Primerica Financial Services outlined its business model and the adverse effect on that model that would result from verbatim adoption by the FCC of the FTC Telemarketing Rule. Unlike telemarketers, Primerica's local representatives use the telephone merely to engage in networking activity, usually working from their homes on a part-time basis. They do not complete any sale over the phone, do not use auto dialers and do not engage in mass cold calling. Rather, Primerica representatives manually telephone individual prospective clients to schedule appointments for a face-to-face meeting in the person's home. These calls almost always are made either to persons the Primerica representative already knows or to whom the representative is referred.

Primerica is not impacted by the FTC rule because it is a financial services company and most of its telephoning activity takes place intrastate. We urge the FCC to consider the substantive effects of the broader scope of its jurisdiction and to harmonize the impact or reach of its rule with that of the FTC, rather than simply adopting similar wording.

Most of the 33 states with No Call lists have included exceptions that offer some measure of protection to businesses like Primerica. These exceptions include personal relationship, referral, face-to-face, licensed insurance agents and licensed securities agents. Importantly, 13 of the 33 states have included variations of a face-to-face exemption. Of particular interest was the fact that at least two of these states passed laws with face-to-face exemptions *after* the FTC rule was announced. Primerica is providing copies of these state laws.

Towards that end, Primerica writes to offer four brief alternatives, consistent with its Comment letter, that will address Primerica's business concerns and assure treatment consistent with the FTC rules as well.

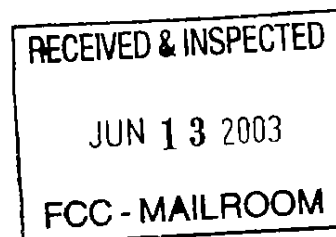
A member of citigroup



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June 10, 2003



Ms. Jessica Rosenworcel
Legal Advisor
Office of Commissioner Copps
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

Re: CG Docket 02-278
Rules Implementing the Telephone Consumer Protection Act of 1991

Dear Ms. Rosenworcel:

In our Comment of May 16, 2003, Primerica Financial Services outlined its business model and the adverse effect on that model that would result from verbatim adoption by the FCC of the FTC Telemarketing Rule. Unlike telemarketers, Primerica's local representatives use the telephone merely to engage in networking activity, usually working from their homes on a part-time basis. They do not complete any sale over the phone, do not use auto dialers and do not engage in mass cold calling. Rather, Primerica representatives manually telephone individual prospective clients to schedule appointments for a face-to-face meeting in the person's home. These calls almost always are made either to persons the Primerica representative already knows or to whom the representative is referred.

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June 10, 2003

Mr. Bryan Tramont
Senior Legal Advisor
Office of Commissioner Powell
Federal Communications Commission
445 12th Street SW
Room 844
Washington D.C. 20554

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JUN 13 2003

FCC - MAILROOM

Re: CG Docket 02-278
Rules Implementing the Telephone Consumer Protection Act of 1991

Dear Mr. Tramont:

In our Comment of May 16, 2003, Primerica Financial Services outlined its business model and the adverse effect on that model that would result from verbatim adoption by the FCC of the FTC Telemarketing Rule. Unlike telemarketers, Primerica's local representatives use the telephone merely to engage in networking activity, usually working from their homes on a part-time basis. They do not complete any sale over the phone, do not use auto dialers and do not engage in mass cold calling. Rather, Primerica representatives manually telephone individual prospective clients to schedule appointments for a face-to-face meeting in the person's home. These calls almost always are made either to persons the Primerica representative already knows or to whom the representative is referred.

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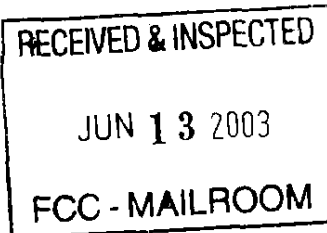
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June 10, 2003



Mr. Matthew A. Brill
Legal Advisor
Office of Commissioner Abernathy
Federal Communications Commission
445 12th Street SW
Room 8-B115
Washington D.C. 20554

Re: CG Docket 02-278
Rules Implementing the Telephone Consumer Protection Act of 1991

Dear Mr. Brill:

In our Comment of May 16, 2003, Primerica Financial Services outlined its business model and the adverse effect on that model that would result from verbatim adoption by the FCC of the FTC Telemarketing Rule. Unlike telemarketers, Primerica's local representatives use the telephone merely to engage in networking activity, usually working from their homes on a part-time basis. They do not complete any sale over the phone, do not use auto dialers and do not engage in mass cold calling. Rather, Primerica representatives manually telephone individual prospective clients to schedule appointments for a face-to-face meeting in the person's home. These calls almost always are made either to persons the Primerica representative already knows or to whom the representative is referred.

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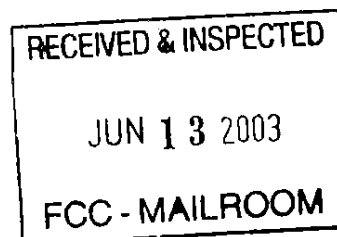
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June 10, 2003

Mr. Daniel Gonzalez
Legal Advisor
Office of Commissioner Martin
Federal Communications Commission
445 12th Street SW
Room 8-A204
Washington D.C. 20554



Re: CG Docket 02-278
Rules Implementing the Telephone Consumer Protection Act of 1991

Dear Mr. Gonzalez:

In our Comment of May 16, 2003, Primerica Financial Services outlined its business model and the adverse effect on that model that would result from verbatim adoption by the FCC of the FTC Telemarketing Rule. Unlike telemarketers, Primerica's local representatives use the telephone merely to engage in networking activity, usually working from their homes on a part-time basis. They do not complete any sale over the phone, do not use auto dialers and do not engage in mass cold calling. Rather, Primerica representatives manually telephone individual prospective clients to schedule appointments for a face-to-face meeting in the person's home. These calls almost always are made either to persons the Primerica representative already knows or to whom the representative is referred.

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